



Department of Defense **DIRECTIVE**

March 18, 1996
Number 4400.1

USD(A&T)

SUBJECT Defense Production Act Programs

- References:** (a) DoD Instruction 4400.1, "Priorities and Allocations - Delegation of DO and DX Priorities and Allocations Authorities, Rescheduling of Deliveries and Continuance of Related Manuals," November 16, 1971 (hereby canceled)
- (b) Appendix 2061 et seq. of title 50, United States Code (Title 1, Priorities and Allocations, and Title III, Expansion of Productive Capacity and supply)
- (c) Appendix 468 of title 50, United States Code
- (d) DoD Instruction 4410.3, "Policies and Procedures for the DoD Master Urgency List (MUL)," September 2, 1987 (hereby canceled)
- (e) through (i), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) to delegate authority and to update policy and responsibilities regarding use of the authorities of references (b) and (c).
2. Replaces references (d) and (e).
3. Authorizes the publication of DoD 4400.1-M, "Department of Defense Priorities and Allocations Manual," and other DoD Manuals, in accordance with DoD 5025.1-M (reference (f)), to implement this Directive.
4. Designates the Secretary of the Air Force as the DoD Executive Agent for the Title III of reference (b) program.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to collectively as "the DoD Components").

C. POLICY

1. The DoD Components shall make plans and take actions necessary to:

a. Establish and maintain availability of materials and facilities to help keep priority defense programs on schedule.

b. Support accelerated production for appropriate defense programs in the event of a national emergency. In addition, anticipate any need for the creation, expansion, or maintenance of domestic productive capacity.

2. The plans and actions in paragraphs C.1 .a. and C. 1 b., above, shall be taken in accordance with the authorities of Title I and Title III of 50 U.S.C. 2061 et seq. (reference (b)) or, if these authorities are repealed or expire, in accordance with 50 U.S.C. 468 (reference (c)) and other applicable statutes, as provided in E.O. 12742 (reference (g)).

D. RESPONSIBILITIES

1. The Under Secretary of Defense for Acquisition and Technology shall:

a. Oversee the execution of authorities delegated to the Secretary of Defense in references (b), (c), (g); E.O. 12919 (reference (h)); and 15 CFR 700 (reference (i)).

b. Establish policy and guidance, such as a priorities and allocations manual and a manual for Title III of reference (b).

c. Nominate to the Secretary of Defense for the President's approval, DoD programs of the highest national urgency for inclusion in DoDs Master Urgency List (MUL). If approved for inclusion in the MUL, these programs will be identified under the category code-named BRICK-BAT, and will be assigned priority rating symbol "DX."

d. Nominate for the Secretary of Defense's approval, DoD programs of the highest defense priority for inclusion in DoD's MUL. If approved for inclusion in the MUL, these programs will be identified under the category code-named CUE-CAP, will use the priority rating symbol "DO" (critical to national defense), and will be ranked in order of relative priority to be applied in the event it is necessary to allocate resources. In that event, CUE-CAP programs will receive priority below DX rated programs but over other DO rated programs.

e. Develop, publish, and issue the MUL to include programs approved by the President and the Secretary of Defense.

f. Determine which other programs are authorized to use Title I of reference (b).

g. Provide, as appropriate, written delegations of authority to use Title I of reference (b) to the heads of DoD Components and other Federal Agencies, including authority to make requests for special priority assistance (SPA), in accordance with reference (l).

h. Review requests for SPA and, when necessary, refer such requests to the Department of Commerce for resolution.

i. Take appropriate actions to resolve priorities and allocations conflicts involving other Federal Agencies, if necessary, by referral under Section 201(c) of E.O. 12919 (reference (h)) to the Assistant to the President for National Security.

j. Determine whether projects proposed to receive support under Title III of 50 U.S.C. 2061 et seq. (reference (b)) are eligible for such support, select the projects that will receive support, and take action to have included in the President's Budget, or an amendment to the budget, those projects that are selected to receive that support.

k. Establish and manage a fund for the Title III of reference (b) program.

1. Request and defend resources required to execute the Title III of reference (b) program.

m. Monitor the Title III of reference (b) program and provide guidance to the Program Office.

2. The Secretary of the Air Force, as the Executive Agent for the Title III of reference (b) program, shall establish and support an office to execute the program.

E. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read 'John P. White', is written over a series of horizontal lines.

John P. White
Deputy Secretary of Defense

Enclosures -2

1. References
2. Delegation of Authority

REFERENCES, continued

- (e) DoD Directive 4410.4, "Military Production Urgencies System," August 17, 1955 (hereby canceled)
- (f) DoD 5025.1-M, "DoD Directive System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
- (g) Executive Order 12742, "National Security Industrial Responsiveness," January 8, 1991
- (h) Executive Order 12919, "National Defense Industrial Preparedness," June 3, 1994
- (i) Title 15, Code of Federal Regulations, Part 700, "The Defense Priorities and Allocations System (DPAS) Regulation" and DPAS Delegation 1

DELEGATIONS OF AUTHORITY

1. The authorities of Title I of 50 U.S.C. 2061 et seq. (reference (b)) as delegated to the Secretary of Defense (see E.O. 12919, and Title 15 CFR 700 (references (h) and (i))) are hereby delegated to the Under Secretary of Defense for Acquisition and Technology (USD(A&T)) and to the Secretaries of the Military Departments and the Directors of Defense Agencies, subject to the authority, direction, and control of the USD(A&T). This delegation includes:

a. Authority to apply, or redelegate to others the authority to apply, DO (critical to national defense) and DX (highest national urgency) priority ratings to contracts or orders for DoD and other programs authorized for priorities and allocations support.

b. Authority to apply, or redelegate to others the authority to apply, DO and DX ratings to orders for delivery of production or construction equipment required to support DoD and other programs authorized for priorities and allocations support.

2. The authorities of the Secretary of Defense as delegated in E.O. 12742 (reference (g)) are hereby delegated to the USD(A&T).

3. The authorities of Title III of reference (b) as delegated to the Secretary of Defense in E.O. 12919 (reference (h)) are hereby delegated to the USD(A&T).

4. The Secretary of the Air Force is hereby designated as the Executive Agent for the Title III of reference (b) program under the authority, direction, and control of the USD(A&T).